

**ORDINANCE NO.**

1 **AN ORDINANCE GRANTING VARIANCES FOR PROPERTY LOCATED AT**  
2 **5607 JIM HOGG AVENUE FROM CERTAIN FLOODPLAIN REGULATIONS**  
3 **PRESCRIBED BY THE CITY CODE FOR CONSTRUCTION OF A RESIDENCE**  
4 **IN THE 25- AND 100-YEAR FLOODPLAINS; AND PROVIDING AN**  
5 **EXPIRATION DATE FOR THE VARIANCES.**

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7 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**  
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9 **PART 1.** This ordinance applies to the construction of a 1827 square foot a residence  
10 located at 5607 Jim Hogg Avenue within the 25- and 100-year floodplains as described in  
11 Building Permit Application No. PR-2007-126758.

12 **PART 2.** Council has considered the factors for granting a variance from floodplain  
13 regulations prescribed by City Code Section 25-12-3, Building Code Appendix G,  
14 Section G105.7 (*Conditions for Issuance*). Council finds that the variances granted by  
15 this ordinance are the minimum necessary to afford relief, are based on good and  
16 sufficient cause, and failure to grant the variance would result in exceptional hardship.  
17 Council further finds that the variances granted in this ordinance will not result in  
18 increased flood heights, additional threats to public safety, or extraordinary public  
19 expense, or create a nuisance, cause fraud on or victimization of the public, or conflict  
20 with existing local laws or ordinances.

21 **PART 3.** A variance is granted from:

- 22 (A) the restriction on construction in the 100 and 25-year floodplains prescribed  
23 by City Code Section 25-7-92 (*Encroachment On Floodplain Prohibited*);
- 24 (B) the easement requirements in City Code Section 25-7-152 (*Dedication of*  
25 *Easements and Rights-of-Way*), to exclude the residence from the  
26 requirement to dedicate an easement to the limits of the 100-year floodplain;
- 27 (C) the prohibition against placing an obstruction in a waterway prescribed by  
28 City Code Section 25-7-2 (*Obstruction of Waterways Prohibited*);
- 29 (D) the requirement that normal access to the building be by direct connection  
30 with an area at least one foot above the design flood elevation prescribed by  
31 City Code Section 25-12-3, Building Code Section 1612.4.3 (*Means of*  
32 *Egress*); and

- 1 (E) the requirement that after destruction of a nonconforming structure, only a  
2 conforming structure may be built prescribed by City Code Section 25-12-3,  
3 Building Code Appendix G, Section G102.3 (*Nonconforming Uses*).

4 **PART 4.** The variance granted in this ordinance is effective only upon the satisfaction of  
5 the following conditions:

- 6 (A) The foundation of the residence shall be pier and beam with the bottom of  
7 the lowest floor beam a minimum of 657.05 feet above mean sea level.
- 8 (B) The applicant shall submit a completed Elevation Certificate to the City  
9 certifying that the elevation of the lowest foundation beam of the finished  
10 structure is at least one foot above the 100 year floodplain elevation signed  
11 by a Texas registered professional land surveyor. The City may not issue a  
12 Certificate of Occupancy for the proposed structure until the applicant  
13 submits the Elevation Certificate.
- 14 (C) The applicant shall submit a completed certification to the City certifying  
15 that the proposed residence will withstand the flood forces generated by the  
16 100-year flood and that the design and construction is in accord with the  
17 latest edition of the American Society of Civil Engineers Manual 24 (*Food*  
18 *Resistant Design and Construction*) signed by a Texas registered  
19 professional engineer or architect. The City may not issue a Building Permit  
20 for the proposed structure until the applicant submits the required  
21 certification.

22 **PART 5.** This variance expires if the project for which this variance is granted does not  
23 receive all necessary building permits before December 13, 2008.

24 **PART 6.** Approval of this variance does not constitute approval of zoning, subdivision,  
25 a site plan, a building permit, or any other development permit, and it does not constitute  
26 a commitment to any particular land use, intensity of land use, or utility services.  
27 Approval of this variance does not constitute a guarantee of flood insurance availability,  
28 rates, or requirements.

1 **PART 7.** This ordinance takes effect on \_\_\_\_\_, 2007.

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3 **PASSED AND APPROVED**

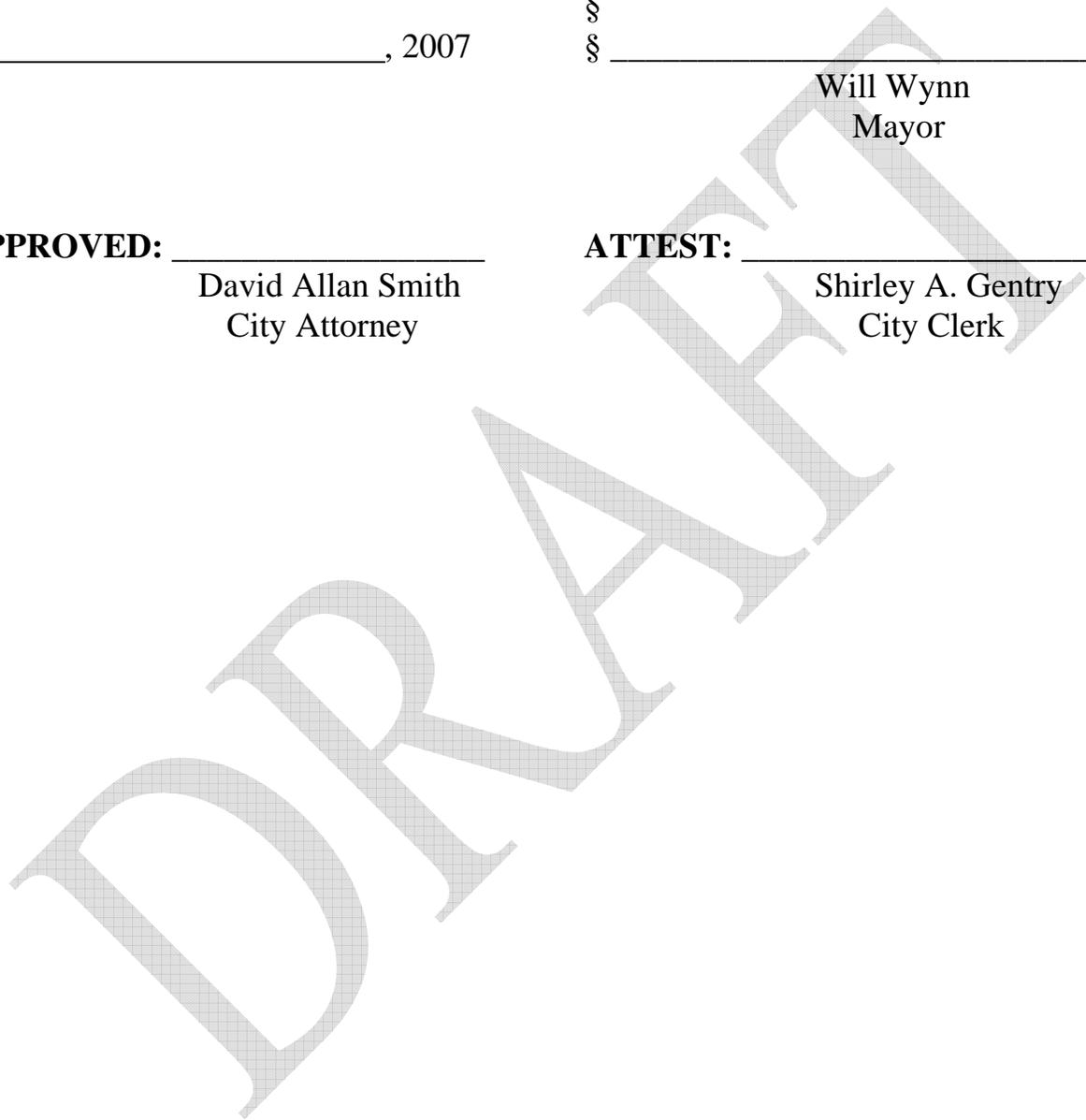
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7 \_\_\_\_\_, 2007

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8 Will Wynn  
9 Mayor

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12 **APPROVED:** \_\_\_\_\_  
13 David Allan Smith  
14 City Attorney

12 **ATTEST:** \_\_\_\_\_  
13 Shirley A. Gentry  
14 City Clerk



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